

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

| APPLICATION NO. | FILI | ING DATE               | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |  |
|-----------------|------|------------------------|----------------------|------------------------|------------------|--|
| 09/828,970      | 04   | /10/2001               | Hsien-Tsung Yeh      | MR1111-623             | 7132             |  |
| 4586            | 7590 | 10/06/2003 EXAMINER    |                      |                        | INER             |  |
| ROSENBE         | -    | N & LEE<br>ER DRIVE-SI | LEE, EDMUND H        |                        |                  |  |
| ELLICOTT        |      |                        | ART UNIT             | PAPER NUMBER           |                  |  |
|                 |      |                        |                      | 1732                   |                  |  |
|                 |      |                        |                      | DATE MAILED, 10/0/0000 |                  |  |

Please find below and/or attached an Office communication concerning this application or proceeding.

| •  |   | Application No.  | Applicant(s)  |
|--|---|--|---|
|  |   | 09/828,970   | YEH, HSIEN-TSUNG  |
|  | Office Action Summary   | Examiner   | Art Unit  |
|  |   | EDMUND H. LEE  | 1732  |
| Period fo  | The MAILING DATE of this communication app  | ears on the cover sheet with the c   |   |
| A SHI THE I Exter after If the If NO Failur Any re | ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. In period for reply specified above is less than thirty (30) days, a reply of period for reply is specified above, the maximum statutory period we re to reply within the set or extended period for reply will, by statute, eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b). | 36(a). In no event, however, may a reply be timed within the statutory minimum of thirty (30) days fill apply and will expire SIX (6) MONTHS from the second ABANDONE. | nety filed s will be considered timely. the mailing date of this corrumunication. |
| 1)   | Responsive to communication(s) filed on   |  |   |
| 2a)□   |   | — ·<br>s action is non-final.  |   |
| 3)□  | Since this application is in condition for allowa   |  | occoution on to the media is  |
| <i>,</i> —   | closed in accordance with the practice under <i>l</i> on of Claims  | Ex parte Quayle, 1935 C.D. 11, 4   | 53 O.G. 213.  |
| 4) 🖾   | Claim(s) 1 is/are pending in the application.   |  |   |
| 4  | 4a) Of the above claim(s) is/are withdraw   | n from consideration.  |   |
| 5) 🗌   | Claim(s) is/are allowed.  |  |   |
| 6)⊠  | Claim(s) <u>1</u> is/are rejected.  |  |   |
| 7)   | Claim(s) is/are objected to.  |  |   |
| 8) 🗌 (<br>Application                              | Claim(s) are subject to restriction and/or on Papers  | election requirement.  |   |
|  | The specification is objected to by the Examiner.   |  |   |
|  | he drawing(s) filed on is/are: a) accept  |  | niner   |
|  | Applicant may not request that any objection to the   |  |   |
| 11)∐ T   |   | is: a) ☐ approved b) ☐ disapprov   |   |
|  | If approved, corrected drawings are required in repl  | · · · · · · · · · · · · · · · · · · ·  |   |
| 12)[] T  | he oath or declaration is objected to by the Exa  | miner.   |   |
| Priority ur  | nder 35 U.S.C. §§ 119 and 120   |  |   |
| 13) 🗌 📝  | Acknowledgment is made of a claim for foreign   | priority under 35 U.S.C. § 119(a)  | -(d) or (f).  |
|  | All b)☐ Some * c)☐ None of:   | ,  |   |
| 1  | 1. Certified copies of the priority documents   | have been received.  |   |
| 2  | 2. Certified copies of the priority documents   |  | n No.   |
|  | B. Copies of the certified copies of the priorit<br>application from the International Bure<br>se the attached detailed Office action for a list o  | y documents have been received   | I in this National Stage  |
|  | knowledgment is made of a claim for domestic  |  |   |
| a)   | ☐ The translation of the foreign language proveknowledgment is made of a claim for domestic   | isional application has been rece  | ived  |
| Attachment(s                                       |   | priority under 35 U.S.C. §§ 120 a  | and/or 121.   |
| Notice (2) Notice (3) Informa                      | of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948) ation Disclosure Statement(s) (PTO-1449) Paper No(s)  | 5) Notice of Informal Ro   | PTO-413) Paper No(s)<br>tent Application (PTO-152)                                |
| 5. Patent and Trad<br>FOL-326 (Rev                 |   | on Summary   | Part of Paper No. 2   |

Application/Control Number: 09/828,970

Art Unit: 1732

## **DETAILED ACTION**

1. Claim 1 is objected to because of the following informalities: the claim is not written in proper claim format. Appropriate correction is required.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is indefinite because it contains many idiomatic errors.

The phrase "a layer of 3D-animation... to the surface of the inner cup" (cl 1, lns 1-5) is indefinite because it is confusing. The first part of the phrase conflicts with the second part of the phrase.

Clarification and/or correction is required.

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as set forth in the instant specification at pgs 1-2 and figs 14-17 in view of Yamaguchi et al (USPN 5200253). The admitted prior art teaches the basic claimed process including an injection encapsulating process (pgs 1-2; figs 14-17); transferring a layer of 3D-animation to an inner cup (pgs 1-2; figs 14-17); transferring a layer of varnish over the layer of 3D-animation on the inner cup (pgs 1-2; figs 14-17); transferring the inner cup with the varnish and layer of 3D-animation thereon to an

Application/Control Number: 09/828,970

Art Unit: 1732

injection mold (pgs 1-2; figs 14-17); and injection molding around the inner cup in order to encapsulate the varnish, layer of 3D-animation, and inner cup (pgs 1-2; figs 14-17). The admitted prior art also teaches that the varnish protection layer does not protect the 3D-animation from subsequent processing such as encapsulation by injection molding (pgs 1-2, figs 14-17). However, the admitted prior art does not teach using a thermalwithstanding protection layer. Yamaguchi et al teaches hologram forming sheets having a protective layer or varnish over the hologram (col 18, Ins 8-14); and using a protective layer of poly (vinyl chloride-co-vinyl acetate) material if printing or other processing is to be done on the surface of the protective layer (col 18, Ins 8-14)--as a note, the poly (vinyl chloride-co-vinyl acetate) protection layer constitutes a thermal-withstanding protection layer. The admitted prior art and Yamaguchi et al are combinable because they are analogous with respect to protecting 3D-animation with a protection laver. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the poly (vinyl chloride-co-vinyl acetate) protection layer of Yamaguchi et al in place of the varnish of the admitted prior art in order to protect the 3D-animation from the subsequent step of encapsulating by injection molding of the admitted prior art.

- 5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haugk et al (USPN 5937554) teach the use of thermal-withstanding protection layers to protect 3D-animations.
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is

Application/Control Number: 09/828,970 Page 4

Art Unit: 1732

703.305.4019. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 703.305.5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.

EDMUND H. LEE of /25/025

Art Unit 1732

EHL